REMARKS

Reconsideration of this application as amended is respectfully requested.

In the Office Action, claims 1-9 and 23-33 were pending and rejected. In this response, no claim has been canceled. Claims 1-2, 4, 6, 23, and 26-30 have been amended. No new matter has been added.

The specification of the present application was objected under 35 U.S.C. 112, first paragraph. Specifically, the Office Action stated that the specification does not provide sufficient information on how to provide layer 3 VPN based on the context. Applicant respectfully disagrees.

It is respectfully submitted that given the sufficient information, one with ordinary skill in the art knows or should have known how to establish a layer 3 VPN based on the well-known information, such as, for example RFC-2547, which has been submitted as part of an IDS. The present invention is not about how to establish a layer 3 VPN. Rather, the present invention as claimed is related to how to maintain sufficient information in certain ways (e.g., as multiple contexts for multiple customer respectively) to be used to establish a layer 3 VPN connection. It is respectfully submitted that one with ordinary skill in the art, based on the teachings of the specification, would be able to practice the embodiments of the present invention as claimed. Thus, it is respectfully submitted that the specification of the present application satisfies the requirement of 35 U.S.C. 112, first paragraph.

Certain claims are objected to because they include reference characters that are not enclosed within parenthesis. Claims 1-5 were rejected under 35 U.S.C. 112, first and second paragraphs. In view of the foregoing amendments, it is respectfully submitted that the above issues have been resolved.

Claims 6-9 and 23-33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicant respectfully disagrees.

It is well settled that computer implemented methods and machine readable medium are patentable subject matter. It is respectfully submitted that claims 6-9 and 23-33 are related to methods and/or machine-readable medium having the instructions executable within a network element for maintaining information to establish layer 3 VPN connections for a variety of customers, which leads to useful and concrete results. Thus, claims 6-9 and 23-33 include patentable subject matters.

Claims 1-9 and 23-33 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,339,595 of Rekhtar et al. ("Rekhtar"). Applicant hereby reserves the right to swear behind Rekhtar.

In view of the foregoing amendments, it is respectfully submitted that claims 1-9 and 23-33 include limitations that are not disclosed by Rekhtar. Specifically, for example, independent claim 1 recites as follows:

1.   A computer implemented method, comprising:
      maintaining on a <u>single network element of a backbone provided by a network provider</u> a plurality of contexts, <u>each corresponding to a customer accessing the backbone, each context having sufficient information to establish a network connection for the corresponding customer to access other network elements of the backbone,</u> wherein the plurality of contexts includes a first context for a first customer and a second context for a second customer different than the first customer, wherein the first and second contexts enable <u>isolation of traffic processed between the first and second customers in the single network element</u>;
      establishing a layer 3 VPN (virtual private network) to the first customer based upon information maintained within the first context <u>without using information of the second context</u>; and
      establishing a non-VPN access to a backbone to a second customer based upon information maintained within the second context <u>without using information of the first context</u>.

(Emphasis added)

Independent claim 1 requires maintaining within a single network element of a backbone (rather than a public Internet) multiple contexts, each corresponding to a distinctive customer accessing the backbone. Each context includes sufficient information to establish a VPN connection for the associated customer without having to use information of other contexts of other customers. As a result, there is a sufficient isolation among the customers and the management of the VPN connections can be efficiently managed and quickly establish.

Although Rekhtar discloses maintain information for different VPNs, such information is maintained based on specific VPN, rather than based on customers as required by claim 1. It is respectfully submitted that the present invention as claimed is not merely related to establishing a VPN connection; rather, the present invention as claimed is more related to how to maintaining and managing the information to establish VPN connections, particularly, layer 3 VPN connections, for different customers.

Even though Rekhtar and the present invention as claimed are achieving similar goal of establishing VPNs; however, the ways to maintain and manage information between Rekhtar and the present invention as claimed are significantly different.

In order to anticipate a claim, each and every limitation of the claim must be taught by the cited reference. It is respectfully submitted that Rekhtar fails to disclose each and every limitations of claim 1 set forth above. Therefore, for the reasons set forth above, it is respectfully submitted that claim 1 is not anticipated by Rekhtar.

Similarly, independent claims 6, 23, 26, and 30 include limitations similar to those recited in claim 1. Thus, for the reasons similar to those discussed above, independent claims 6, 23, 26, and 30 are not anticipated by Rekhtar.

Given that the reset of the claims depend from one of the above independent claims, at least for the reasons similar to those discussed above, it is respectfully submitted that the reset of the claims are not anticipated by Rekhtar. Withdrawal of the rejections is respectfully requested.

In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

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Dated: __May 17, 2006__   _____
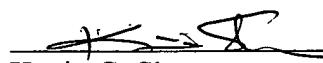
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